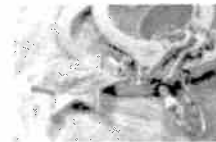


## **State's Role in MSGP Compliance, Inspections, and Enforcement**



March 2009

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- EPA is the lead agency over the NPDES Stormwater program in Alaska
  - State/DEC working with EPA to increase presence and build capacity
  - Phased delegation of NPDES authority/Primacy with stormwater in November 2009

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- AS 46.03.020
- AS 46.03.100
- AS 46.03.110 (e)
  - Provide statutory basis for Department's authority to regulate discharges to water, verify compliance, and seek EPA delegation of administration of the NPDES program

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- Compliance and Enforcement Program
  - Created within the Division of Water
    - Staff in Juneau, Fairbanks, and Anchorage offices although equally responsible for statewide coverage
  - Detailed in the APDES Program Description, Chapter 9  
([www.dec.state.ak.us/water/npdes/Final\\_Application\\_2008/Application\\_Program\\_Description.htm](http://www.dec.state.ak.us/water/npdes/Final_Application_2008/Application_Program_Description.htm))

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Compliance & Enforcement Program**
  - Primary Objective is to resolve compliance problems quickly and at the lowest appropriate level
  - Approach will be an escalating response to noncompliance

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Compliance & Enforcement group will assure compliance with NPDES/APDES permit and program requirements by combination of:**
  - Compliance Monitoring;
  - Compliance Assistance; and
  - Enforcement

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Compliance Monitoring**
  - Review of permit-required submittals
    - SWPPPs, Benchmark Monitoring, Annual Reports
  - Site Inspections
    - Department has authority under state law to enter a site or premise to copy records, inspect, monitor, or otherwise investigate compliance with permit limits and conditions and state water quality standards

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Site Inspections**
  - All permitted sites discharging stormwater, and those that should be permitted
  - Includes Industrial Stormwater (MSGP)
  - A copy of ADEC inspection reports for MSGP facilities visited prior to November 2009 will be provided to EPA

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

### **■ Compliance Assistance**

- Any activity not considered part of an enforcement action that assists a permittee in achieving or maintaining compliance

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

### **Compliance Assistance**

- Web pages with links to references
- Phone and in-person assistance during project planning
- Workshops and trainings
- Assistance to local governments
- Conferences
- SWPPP Reviews for completeness with respect to MSGP

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- New State-specific requirements for MSGP 2008 in Part 9.10.1
  - SWPPP does not need P.E. stamp
  - Sector G and H operations submittals and pre-construction conference
  - Benchmark Monitoring for pH and Turbidity

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- Inspection schedules
  - Approximately 10% of MSGP facilities will be inspected annually
  - May also schedule inspections when in area for other discharge-type inspection
  - In response to complaints (from public, NGOs, employees, competitors);

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

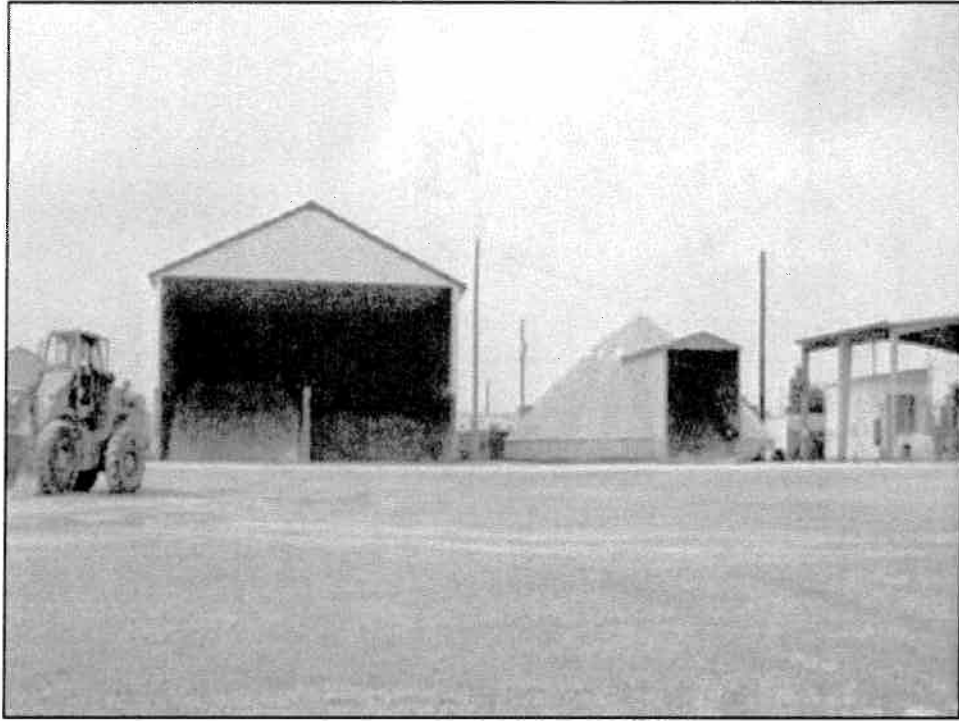
- **Inspection Format**
  - NPDES Compliance Inspection Manual  
Appendix P is general template
  - SWPPP and records review
  - Site walk-through
  - Exit conference

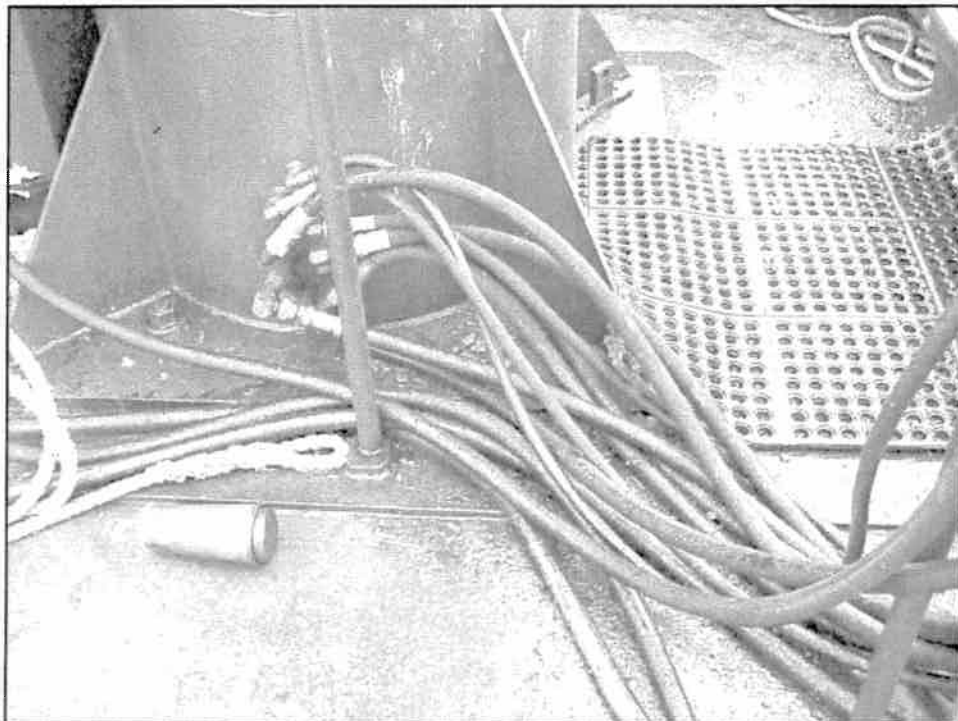
## **State's Role in MSGP Compliance, Inspections, and Enforcement**

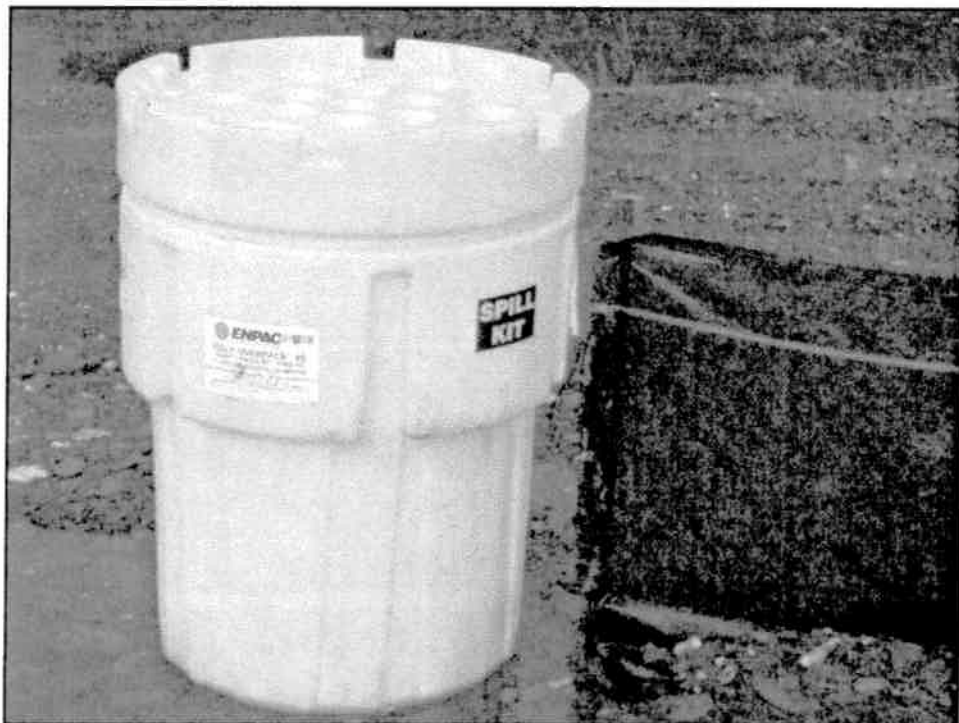
- **Site Inspections – What are we looking for  
'On-The-Ground'?**

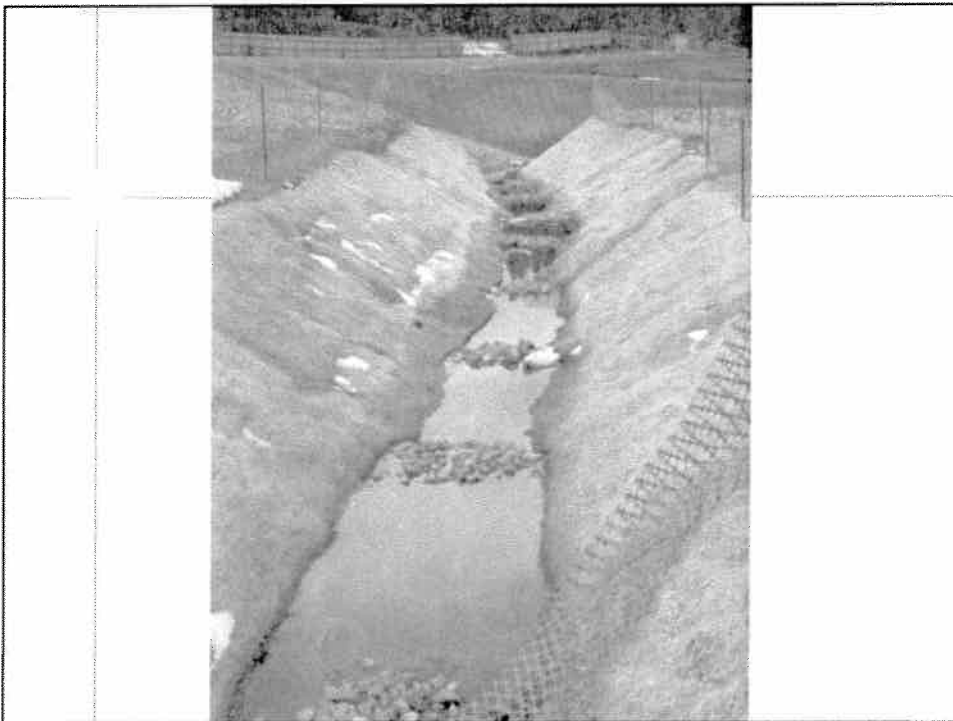




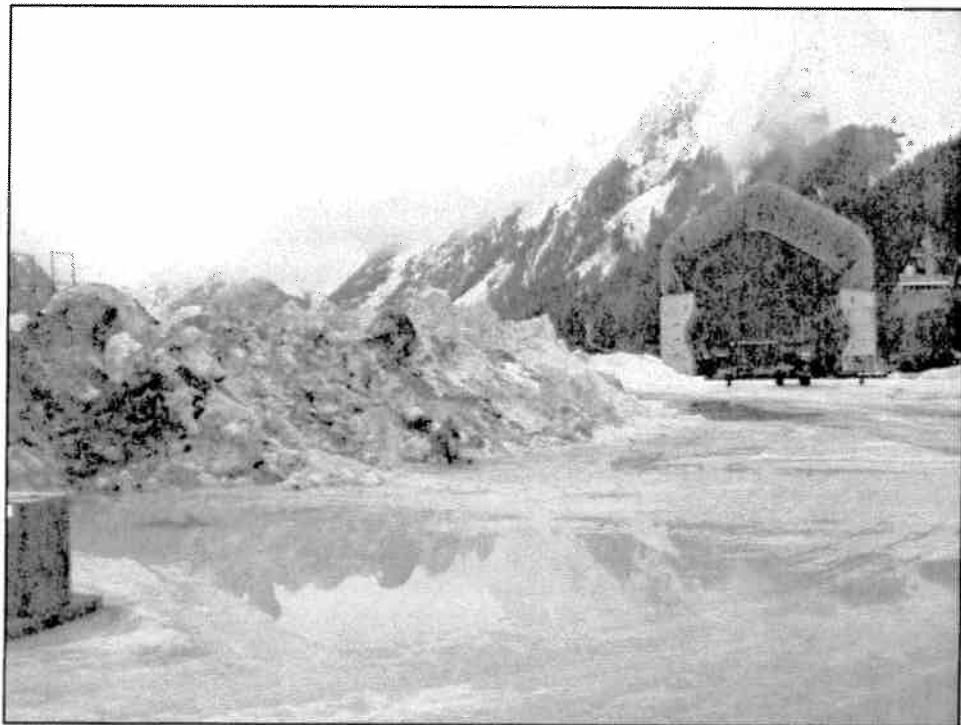




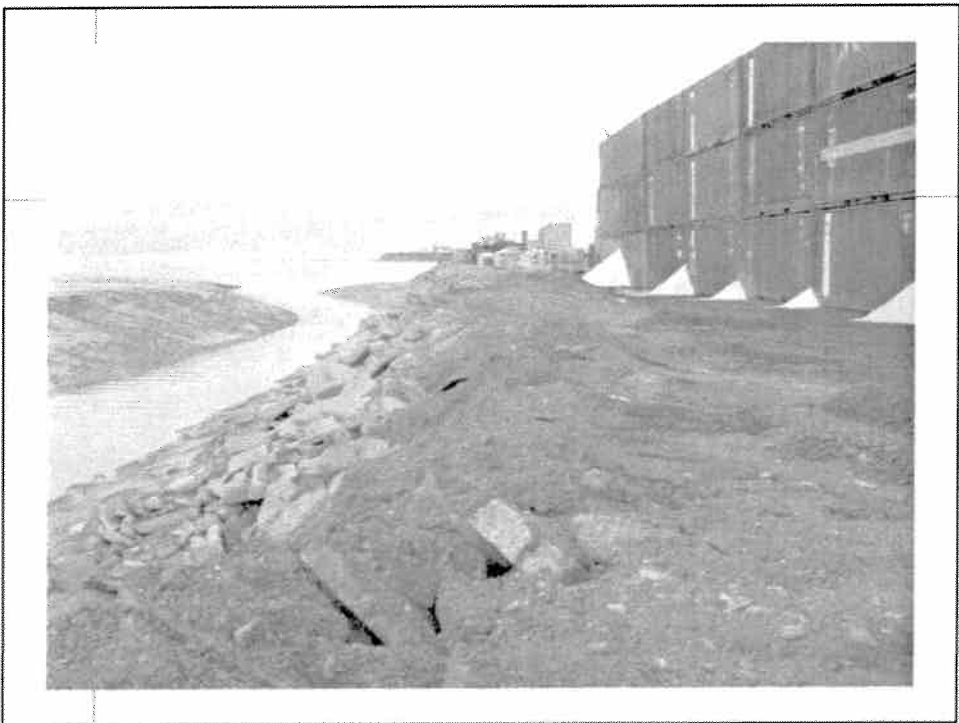
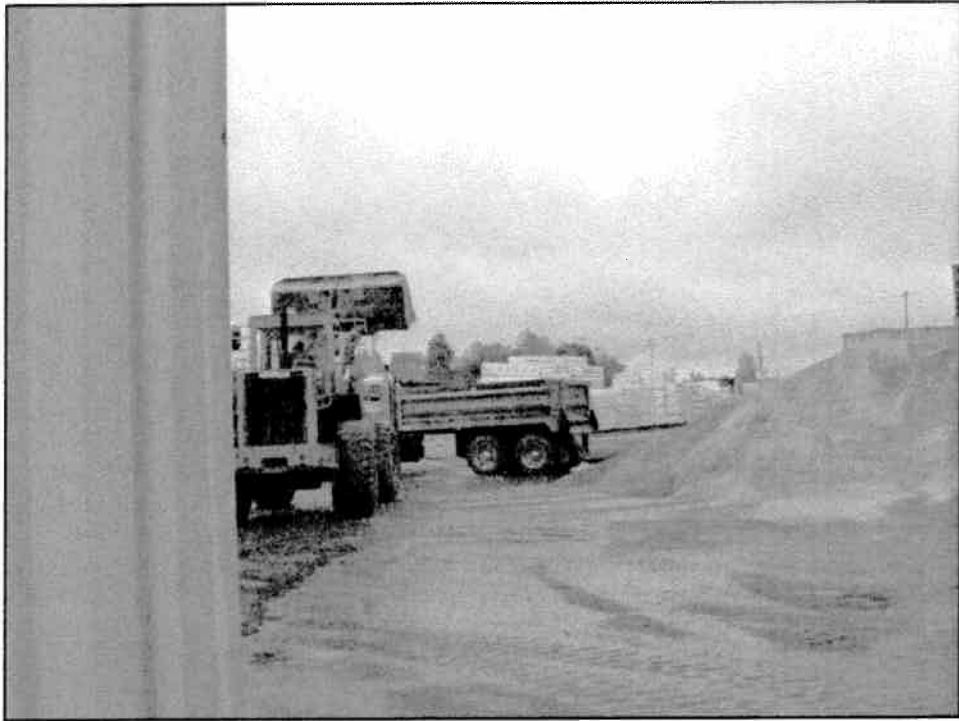


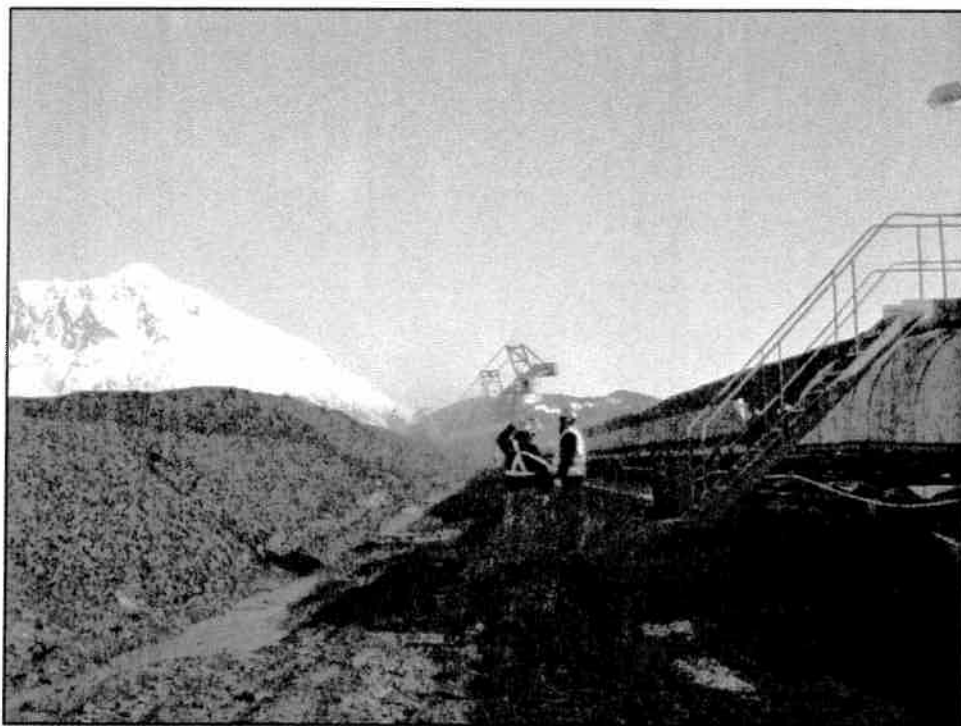














## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Enforcement Program**
  - If a site/facility is out of compliance, the most appropriate enforcement response will be determined

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Enforcement Tools**
  - Administrative
  - Civil
  - Criminal

## **State's Role in MSGP Compliance, Inspections, and Enforcement**

- **Compliance Committee**
  - To determine appropriate enforcement response for noncompliance situations that have elevated beyond a NOV
  - Recommendations made by Committee members, decision by Program Manager

## **State's Role in MSGP: Primacy Transition**

- **Until October 30, 2009 EPA is lead agency for**
  - eNOI
  - Monitoring data
  - Annual Report
  - Inspections
- **Starting October 31, 2009 ADEC is the lead agency**

# **State's Role in MSGP Compliance, Inspections, and Enforcement**



**Questions?**

**Comments?**



